

Judicial Administration Committee
Judicial Conference of Indiana

Minutes
July 13, 2007

The Judicial Administration Committee of the Judicial Conference of Indiana met at the Indiana Judicial Center on Friday, July 13, 2007 from 10:00 a.m. – 2:30 p.m.

1. Members present. Michael H. Eldred, James R. Heuer, Carol J. Orbison, Michael A. Shurn, Thomas P. Stefaniak, Mary G. Willis and Judith S. Proffitt, Chair.
2. Staff present. Jeffrey Bercovitz; Kristen Donnelly-Miller, Staff Attorney; and James Diller, Court Analyst with the Division of State Court Administration provided the committee with staff assistance.
3. Guest present. Jim Wolf, Executive Director, Survey Research Center, IUPUI; Larry Grau, The Grau Group, Inc. was also present.
4. Minutes approved. The minutes for the committee on June 8, 2007 were approved.
5. Weighted caseload measures.
 - a. Continuances. Committee members discussed keeping the same policy as in the previous study of not counting continuances for purposes of judicial actions. Sometimes a continuance is faxed in at the last minute, and the court must review, make sure the other party is aware of the motion and determine if the other party agrees to a continuance. The committee agreed by consensus to continue the policy of not counting continuances to provide continuity to the previous study, and to answer a potential question from critics of weighted caseload. Counting continuances as judicial actions tended to decrease the credibility of the case file audit, with potential study opponents stating that continuances permit judges to keep a case open longer and therefore increase the need for more judges. If a hearing occurs, and a continuance is granted, the judge time for the hearing would be counted as an action as would the time for that hearing. If the judge spends time preparing the order for the continuance, the time to prepare the order would be counted.
 - b. Problem-solving courts. Committee members discussed how many courts call themselves problem-solving courts, but there is no definition of them. Jeffrey Bercovitz reported there are 28 certified drug courts, with 3 juvenile drug courts included in that number. Judge Willis moved to include all certified drug courts in this study, and defer preparation of a weighted caseload time for all other problem-solving courts until the next study since other problem-solving courts are not certified. Judge Eldred seconded the motion. The motion was passed. Committee members agreed that drug court judges would be invited to keep time sheets for their drug court docket only, for 6 to 8 weeks.

Committee members had the following questions about drug courts: (1) What is the pending number of drug court cases and their cause numbers; (2) How or does a judge participate in the staffing of a case; (3) Determine the number of closed drug court cases; (4) What is the procedure for assigning a case to drug court, and determining if these cases are sometimes transferred from one court to another in the county to make sure these cases are not over or under counted; (5) Explain our assumptions to Mary Kay Hudson, Drug Court Coordinator, IJC, to make sure which cases are in the drug court; (6) Analyze the docket sheet for words of judicial action; (7) Compare a drug court case to a

nondrug court case to see if the cases in drug court are first time cases, felony cases with long felony records, or whether different courts are assigning cases to their drug court in a different manner.

c. CCS viewing for case file audits. Kristen Donnelly-Miller discussed a list of Doxpop counties whose CCS's may be reviewed remotely on the Internet. She reported Doxpop was available in 40 counties, and data from other counties will be online soon. The list also included the case types available from Doxpop. She noted some information for protection orders might not be available because of confidentiality concerns about a portion of these files by the Clerk. Juvenile courts not part of QUEST will have to be contacted separately for paper copies of their CCS's for the file audit portion of the study.

d. Case file audit. Jim Wolf, Survey Research Center looked at population size and case types and based on this information determined there was no difference between Doxpop and nonDoxpop counties for the case file audit portion of the weighted caseload study. He reported he wishes the counties to be as comparable as possible as the counties studied before. The counties were divided with large were over 250,000 in population, medium were between 250,000 and 100,000 in population, and small were under 100,000. He replaced counties from the previous study with comparable ones that have CCS's available on Doxpop. The committee approved by consensus the following counties for the case file audit: Large: Lake, Marion; Medium: Elkhart, Hamilton, Johnson, Madison (back-up) Monroe, Vigo and Wayne; Small: Clay, Morgan, Henry, Perry, Wabash, Kosciusko, Howard, LaGrange and Sullivan.

e. Judge time participants. Committee members agreed by consensus to ask those counties whose judges kept time sheets for the previous study to keep the time sheets again and ask any other judges to volunteer to participate.

f. Death penalty and murder. Committee members discussed the need for more accurate numbers of the judicial actions and the need for more judges to keep time for more than thirty (30) days in the Death penalty and murder case types. They agreed the current study methodology would not work well with them, and study them separately in a different study to follow this one.

g. Case types to study. Jim Wolf agreed the Survey Research Center would complete case file audits for Class A, B, C, and D felonies, PCR, CHINS and termination of parental rights. If time and budget permitted, the case file audits would include civil miscellaneous, small claims and protection order cases. Committee members time study participants would include all these case types.

6. Next meeting.

a. Committee members agreed to discuss getting more and better jury trial times, revising time sheets for ease of use, and determining whether the same time sheets should be used by drug courts at the next meeting.

b. Committee members agreed to hold meetings on the following dates: Friday, August 10, and October 12, 2007; all from 10:00 a.m. - 4:00 p.m. at the Indiana Judicial Center. They also agreed to meet on September 19, from 10:45 a.m. - 11:45 a.m. in Ft. Wayne.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law